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IN THE UNITED STATES DISTRICT COURT JUL 20 1998
FOR THE DISTRICT OF NEW MEXICO

PATRICK J. CAROME

BEN EZRA, WEINSTEIN AND COMPANY, INC.

Plaintiff,

v.

NO. CIV 97-0485 LH/LFG

AMERICA ONLINE, INC.,

Defendant.

PLAINTIFF'S CROSS-MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiff Ben Ezra, Weinstein and Company, Inc., by and through its counsel of record, moves this Court for partial summary judgment pursuant to Fed. R. Civ. P. 56 on the ground that AOL is not immune from liability under 47 U.S.C. §230(c)(1) as a matter of law. In support of its cross-motion for summary judgment, BEW submits Plaintiff's Memorandum in Support of Plaintiff's Cross-Motion for Partial Summary Judgment and in Opposition to Defendant's Motion for Summary Judgment, which includes attached exhibits.

WHEREFORE, Plaintiff respectfully requests summary judgment in its favor on the issue of AOL's immunity under 47 U.S.C. §230(c)(1).

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing document was ^{sent}mailed to the following counsel of record on this 17th day of July, 1998:

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